

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Kurt Stoner,
Plaintiff
v.
Wal-Mart Stores, Inc., et al.
Defendants

Case No.: 2:17-cv-01403-JAD-GWF

Order Granting Unopposed Motion to Dismiss

[ECF No. 25]

8 Kurt Stoner filed this personal-injury lawsuit against Wal-Mart Stores, Inc., for injuries
9 he claims he sustained when he fell off a loose toilet seat in a Wal-Mart bathroom.¹ After Stoner
10 stopped participating in this litigation, Wal-Mart filed a motion to dismiss his case for failure to
11 prosecute it.² Stoner’s deadline to respond to that motion passed months ago without opposition.
12 Local Rule 7-3(d) provides that “The failure of an opposing party to file points and authorities in
13 response to” a motion to dismiss “constitutes a consent to the granting of the motion.” I deem
14 Stoner’s failure to file an opposition as his consent to granting Wal-Mart’s motion to dismiss
15 under FRCP 41(b), and I grant it.

16 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure
17 to Prosecute under FRCP 41(b) [ECF No. 25] is GRANTED. With good cause appearing and
18 no reason to delay, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Clerk
19 of Court is directed to ENTER FINAL JUDGMENT in favor of the defendant and against the
20 plaintiff and CLOSE THIS CASE.

Dated: September 20, 2018

Jennifer A. Dorse
U.S. District Judge Jennifer A. Dorsev

23 ||¹ ECF No. 1.

2 ECF No. 25.